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10/563,311	12/30/2005	Eiji Murakami	96790PS17	6897
8791 7590 08/07/2008 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
HWA, SHYUE JIUNN				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/563,311

**Applicant(s)**

MURAKAMI ET AL.

**Examiner**

JAMES HWA

**Art Unit**

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3-5, 8-10, 12-14, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 8-10, 12-14, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Applicant has amended claims 1 and 10 in the amendment filed on 06/05/2008. Claims 6 and 15 are canceled. Claims 1, 3-5, 8-10, 12-14, 17 and 18 are pending in this Office Action.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/05/2008 has been entered.

### **Response to Arguments**

3. Applicant's arguments with respect to claims 1, 3-5, 8-10, 12-14, 17 and 18 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argued that, Agrawak neither teaches nor suggests repeating the large classification outputting in association with new DT matrix generation for each cluster. Examiner respectfully disagrees.

In response to Applicant's argument, Agrawak teaches a system for organizing a large text database into a hierarchy of topics and for maintaining this organization as documents are added and deleted and as the topic hierarchy changes (abstract). Large sub-trees in the topic tree can be eliminated forthwith if the score of the root of those sub-trees are very poor. Text database population is not the only application of fast multi-level classification. With increasing connectivity, it will be inevitable that some searches will go out to remote text

servers and retrieve results that must then be classified in real time (page 8, paragraph 0131). The user restricts the topical context using a suitable selection on the taxonomy. Then a plurality of relevant documents which also adhere to the topic restrictions is retrieved. In a preferred embodiment, each document in the database has been pre-classified. The user is presented with a suitable display of those portions of the taxonomy where relevant documents were found. The user may then enter a command through the user input device to cause the system to select at least one of the displayed sub-topics. This process is repeated as necessary to refine the query topic until the user's information need is satisfied (page 5, paragraph 0084).

Applicant argued that, Tokuda does not explicitly teach the "term list edition module" (original claim 6) that is herein added to claim 1. Examiner respectfully disagrees.

In response to Applicant's argument, Bent teaches an initial document by term matrix is formed, each document being represented by a respective M dimensional vector, where M represents the number of terms or words in a predetermined domain of documents. The techniques of text mining currently include the automatic indexing of documents, extraction of key words and terms, grouping/clustering of similar documents, categorising of documents into pre-defined categories and document summarization (page 1, paragraph 0010-0011).

TextFormatter reads both the textual document in the document set and the term list generated (page 4, paragraph 0060; see also element 305 of figure

3). The text from the document is read in and tokenised into sentences.

Sentences again are tokenised into words. Now the sentences have to be checked for terms that have an entry in the hashtable. Since it is possible that words which are part of a composed term occur as single words as well, it is necessary to check a sentence backwards. That is, firstly the hashtable is searched for a test string which consists of the whole sentence. When no valid entry is found one word is removed from the end of the test string and the hashtable is searched again. This is repeated until either a valid entry was found or only a single word remains (page 4, paragraph 0060-0069).

### **Claim Rejections - 35 USC § 101**

4. Claims 1, 3-5 and 8-9 are rejected under 35 U.S.C.101 because the language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practice application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C 101.

The claims 1, 3-5 and 8-9 lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or act to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming nonfunctional descriptive material, i.e., abstract ideas stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.").

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

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Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 3-5, 8-10, 12-14 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tokuda et al. (US Patent No. 7,024,400 B2, hereinafter "Tokuda") in view of Glover (US Patent Application No. 2003/0221163 A1, hereinafter "Glover"), Agrawal et al. (US Patent Application No. 2001/0037324 A1, hereinafter "Agrawal") and Bent et al. (US Patent Application No. 2004/0205457 A1, hereinafter "Bent").

As to claims 1 and 10, Tokuda teaches the claimed limitations:

"A sentence classification device characterized" as document classification is important not only in office document processing but also in implementing an efficient information retrieval system (column 1, lines 13-15).

"A term list having a plurality of terms each comprising not less than one word" as a term is defined as a word or a phrase that appears in at least two documents (column 4, lines 5-6).

"DT matrix generation module for generating a DT matrix two-dimensionally expressing a relationship between each document contained in a document set and said each term" as the term by document matrix of the original documents (column 9, lines 23; see also table 1).

"DT matrix transformation module for generating a transformed DT matrix having clusters having blocks of associated documents by transforming the DT matrix obtained by said DT matrix generation module on the basis of a DM

decomposition method” as exploiting the singular vector decomposition method, the major left singular vectors associated with the largest singular values are selected as a major vector space called an intra-DLSI space, or an I-DLSI space (column 3, lines 2-5). The extra-DLSI space or the E-DLSI space can similarly be obtained by setting up a differential term by extra-document matrix where each column of the matrix denotes a differential document vector between the document vector and the centroid vector of the cluster, which does not include the document. The extra-DLSI space may then be constructed by the major left singular vectors associated with the largest singular values (column 3, lines 18-25).

“Classification generation module for generating classifications associated with the document set on the basis of a relationship between each cluster on the transformed DT matrix obtained by said DT matrix transformation module and said each document classified according to the clusters” as given a new document to be classified, a best candidate cluster to be recalled from the clusters can be selected from among those clusters having the highest probabilities of being the given differential intra-document vector (column 3, lines 10-13).

The differences in word usage between the document and a cluster's centroid vector, the differential document vector is capable of capturing the relation between the particular document and the cluster (Column 2, lines 41-46).

Tokuda does not explicitly teach the claimed limitation “wherein the classification generation module comprises a virtual representative document



generation module for generating a virtual representative document, for each cluster on a transformed DT matrix, from a term of each document belonging to the cluster; and generating and outputting an index indicating validity of the edition from the DT matrices".

Glover teaches using a virtual document comprising extended anchor text to determine whether a web page is to be classified into a given category (page 2, paragraph 0013).

Generating a classification output of the target web page utilizing a trained full-text classifier; and combining the classification output of the virtual document classifier and the classification output of the full-text classifier to generate a combined classification output for the target web page (page 2, paragraph 0018).

The web page downloader may easily be replaced by a data cache or an index, which can easily provide the text for the target web page without having to download the target web page. The full-text classifier, after being trained using web page documents, determines a classification output. The full-text classifier comprises a learning algorithm, which is trained as described below to produce a prediction rule, which after the full-text classifier is trained actually evaluates the target web page to predict whether the target web page is a member of a positive set (page 4, paragraph 0032).

Tokuda does not explicitly teach the claimed limitation "large classification generation module for generating a large classification of documents from each document in a bottom-up manner by repeatedly performing hierarchical clustering processing of setting a DT matrix generated by said DT matrix

generation module in an initial state, causing said virtual representative document generation module to generate a virtual representative document for each cluster on a transformed DT matrix generated from the DT matrix by said DT matrix transformation module, generating a new DT matrix used for next hierarchical clustering processing by adding the virtual representative document to the transformed DT matrix and deleting documents belonging to the cluster of the virtual representative document from the transformed DT matrix, and outputting, for said each cluster, information associated with the documents constituting the cluster as large classification data".

Agrawal teaches for organizing a large text database into a hierarchy of topics and for maintaining this organization as documents are added and deleted and as the topic hierarchy changes (abstract). For such classifiers, feature sets larger than 100 are considered extremely large. Document classification may require more than 50,000. Singular value decomposition on the term-document matrix has been found to cluster semantically related documents together even if they do not share keywords (page 2, paragraph 0019-0021).

The feature set changes by context as the classification process proceeds down the taxonomy. As a result, jargon common to lower nodes of the taxonomy are filtered out and the classification accuracy remains high in spite of the reduction in the number of terms and candidate classes inspected (page 3, paragraph 0029).

Each document in the database has been pre-classified. The user may then enter a command through the user input device to cause the system to

select at least one of the displayed sub-topics. This process is repeated as necessary to refine the query topic until the user's information need is satisfied (page 5, paragraph 0084).

A parent class inherits, in an additive fashion, the statistics of its children, since each training document generates rows for each topic node from the assigned topic up to the root (page 13, paragraph 0204).

Although Tokuda teaches preprocessing documents using said computer to distinguish terms of a word and a noun phrase from stop words; constructing system terms by setting up a term list as well as global weights using said computer (claim 1). The method includes the setting up of a differential latent semantics index (DLSI) space-based classifier to be stored in computer storage and the use of such classifier by a computer to evaluate the possibility of a document belonging to a given cluster using a posteriori probability function (abstract).

Tokuda does not explicitly teach the claimed limitation "term list edition module for adding or deleting an arbitrary term with respect to the term list; and index generation module for making said DT matrix generation module generate DT matrices by using term lists before and after edition by said term list edition module".

Bent teaches an initial document by term matrix is formed, each document being represented by a respective M dimensional vector, where M represents the number of terms or words in a predetermined domain of documents. The techniques of text mining currently include the automatic indexing of documents,

extraction of key words and terms, grouping/clustering of similar documents, categorising of documents into pre-defined categories and document summarization (page 1, paragraph 0010-0011).

TextFormatter reads both the textual document in the document set and the term list generated (page 4, paragraph 0060; see also element 305 of figure 3). The text from the document is read in and tokenised into sentences. Sentences again are tokenised into words. Now the sentences have to be checked for terms that have an entry in the hashtable. Since it is possible that words which are part of a composed term occur as single words as well, it is necessary to check a sentence backwards. That is, firstly the hashtable is searched for a test string which consists of the whole sentence. When no valid entry is found one word is removed from the end of the test string and the hashtable is searched again. This is repeated until either a valid entry was found or only a single word remains.

To be admitted as a column of the term-sentence matrix, a term must occur in the sentences of the document set more often than a minimum frequency, whereby a user or administrator may determine the minimum frequency. For instance, it is illogical to add terms to the matrix that occur only once, as the objective is to find clusters of sentences which have terms in common. Next, the document vector is searched for all occurrences of term #1 of the term vector. If the term occurs at least as often as the specified minimum frequency, it remains in the term vector and if the term occurs less often, it is

removed. Since actor occurs only once in the document vector, the term is deleted from the head of the term vector (page 4, paragraph 0060-0069).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having the teachings of Tokuda, Glover, Agrawal and Bent before him/her, to modify Tokuda for adding or deleting an arbitrary term with respect to the term list because that would provide a technique that discovers topics from within a collection of electronically stored documents and automatically extracts and summarises topics as taught by Bent (page 1, paragraph 0013).

As to claims 3 and 12, Tokuda teaches the claimed limitations:

"Characterized by further comprising label generation module for outputting each term strongly connected to each document belonging to said arbitrary cluster as a label indicating a classification of the cluster" as a new efficient supervised document classification procedure introduced, whereby learning from a given number of labeled documents preclassified into a finite number of appropriate clusters in the database, the classifier developed will select and classify any of new documents introduced into an appropriate cluster within the classification stage (column 2, lines 21-25).

As to claims 4 and 13, although Tokuda teaches the extra-DLSI space, or the E-DLSI space can similarly be obtained by setting up a differential term by extra-document matrix where each column of the matrix denotes a differential

document vector between the document vector and the centroid vector of the cluster which does not include the document (column 3, lines 18-23).

Tokuda does not explicitly teach the claimed limitation "Characterized by further comprising document organization module for sequentially outputting documents belonging to said arbitrary cluster or all documents in an arrangement order of the documents in the transformed DT matrix".

Agrawal teaches given  $k^*(c)$ , the sorted Fisher table is scanned while copying the first  $k^*(c)$  rows for the run corresponding to class  $c$  to an output table and discarding the remaining terms. This involves completely sequential IO (page 12, paragraph 0187).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having the teachings of Tokuda, Glover, Agrawal and Bent before him/her, to modify Tokuda the document organization because that would improve the document search performance include speed and accuracy as taught by Agrawal (page 14, paragraph 0216).

As to claims 5 and 14, Tokuda teaches the claimed limitations:

"Characterized by further comprising summary generation module for outputting, as a summary of said arbitrary document, a sentence of sentences constituting the document which contains a term strongly connected to the document" as the setting up of a DLSI space-based classifier is summarized. Documents are preprocessed, to identify and distinguish terms, either of the word or noun phrase, from stop words. System terms are then constructed, by setting

up the term list as well as the global weights. The process continues with normalization of the document vectors, of all the collected documents, as well as the centroid vectors of each cluster. Following document vector normalization, the differential term by document matrices may be constructed by intra-document or extra-document construction (column 7, lines 24-34).

As to claims 8 and 17

Tokuda does not explicitly teach the claimed limitation "characterized in that said large classification generation module terminates repetition of the clustering processing when no cluster is obtained from the transformed DT matrix in the clustering processing".

Agrawal teaches each of the other second level topics may be divided at the third level to further topics. Also, in a similar fashion, further levels under the third level may be included in the topic hierarchy, or taxonomy. The final level of each path in the taxonomy terminates at a terminal or leaf node (page 6, paragraph 0087). Large sub-trees in the topic tree can be eliminated forthwith if the score of the root of those sub-trees are very poor (page 8, paragraph 0131).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having the teachings of Tokuda, Glover, Agrawal and Bent before him/her, to modify Tokuda terminates repetition of the clustering processing because that would provide a means for designing vastly enhanced searching, browsing and filtering systems as taught by Agrawal (page 1, paragraph 0009).

As to claims 9 and 18, Tokuda teaches the claimed limitations:

“Characterized by further comprising large classification label generation module for, if a virtual representative document is contained in a given cluster of clusters obtained by the clustering processing” as a new efficient supervised document classification procedure, whereby learning from a given number of labeled documents preclassified into a finite number of appropriate clusters in the database, the classifier developed will select and classify any of new documents introduced into an appropriate cluster within the classification stage (column 2, lines 22-28).

Tokuda does not explicitly teach the claimed limitation “generating a label of the cluster on which the virtual representative document is based from a term strongly connected to the virtual representative document”.

Glover teaches the virtual document classifier comprises the learning algorithm (not shown) that accepts as input a set of labeled input virtual documents. From the labeled input virtual documents the learning algorithm generates a prediction rule. After the virtual document classifier 106 is trained, a new unlabeled virtual document can be evaluated by the prediction rule to predict its label (page 4, paragraph 0031).

Also, Agrawal teaches that with reference to the hierarchy represented, statistics are calculated for the science node, based on the terms in all of the documents from the collection set that are classified in classes represented by nodes below the science node. Including the nodes labeled biology, chemistry,



electronics, and all children nodes of those nodes (page 6, paragraph 0093). Large sub-trees in the topic tree can be eliminated forthwith if the score of the root of those sub-trees are very poor. Text database population is not the only application of fast multi-level classification. With increasing connectivity, it will be inevitable that some searches will go out to remote text servers and retrieve results that must then be classified in real time (page 8, paragraph 0131).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having the teachings of Tokuda, Glover, Agrawal and Bent before him/her, to modify Tokuda strongly connected to the virtual representative document because that would provide a system which is sufficiently fast as taught by Agrawal (page 2, paragraph 0025).

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Hwa whose telephone number is 571-270-1285. The examiner can normally be reached on 8:00 – 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only, for more information about the PAIR system, see <http://pair->

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07/31/2008

/James Hwa/  
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